

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

CARROLL FRENCH)
Plaintiff,)
vs.) Civil Action No.
MEDICREDIT CORPORATION)
Defendant,)
)

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by plaintiff Carroll French, an individual consumer, against defendant Medicredit Corporation for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”) which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Carroll French is a consumer, a natural person allegedly obligated to pay any debt, residing in the state of New Mexico.

4. Defendant, Medicredit Corporation is a foreign corporation engaged in the business of collecting debt in this state with its principal place of business located in Saint Louis County, at 190 Carondelet Plaza, Suite 150, St. Louis, Missouri 63105.. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant placed collection calls to Carroll, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.
8. Upon information and belief, Defendant began contacting Carroll and also placing collection calls to Carroll in May of 2011.
9. Upon information and belief, Defendant has continued to harass Carroll, calling and knowing it would annoy him, looking for a 'Katy Crump'; even though Carroll has already informed Defendant that the debt is neither his nor his wife's.
10. Carroll has even sent Defendant a letter via certified mail, which Defendant both received and signed for, telling it to stop calling him; yet Defendant continues to call.
11. Defendant utilized unfair and unconscionable means to collect on Carroll's alleged debt, by continuing to call him, without his consent, after already having been given reason to know on multiple occasions that the debt is neither his nor anyone's in his household.

12. As a result of the acts alleged above, Carroll suffered emotional distress resulting in him feeling stressed, and upset, amongst other negative emotions.

V. **CLAIM FOR RELIEF**

13. Plaintiff Carroll French repeats and realleges and incorporates by reference to the foregoing paragraphs.

14. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and

(b) Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring continuously with intent to annoy, abuse, or harass, the natural consequence of which was to harass, oppress and/or abuse Plaintiff.

15. Defendant's acts as described above were done intentionally with the purpose of coercing Carroll to pay the alleged debt.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Carroll for actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff Carroll French respectfully requests that judgment be entered against defendant Medicredit Corporation, for the following:

- A. Actual damages;
- B. Statutory damages pursuant to 15 U.S.C. § 1692k.
- C. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k;
- D. For such other and further relief as the Court may deem just and proper.

Dated: May 29, 2012

RESPECTFULLY SUBMITTED,
By: /s/ Mark D. Molner, Esq.
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Prairie Village, KS 66208
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Missouri Bar Number: 62189
Attorney for Plaintiff Carroll French.

DEMAND FOR JURY TRIAL

Please take notice that plaintiff Carroll French demands trial by jury in this action.

UNITED STATES DISTRICT COURT
for the
Eastern District of Missouri

CARROLL FRENCH)	
Plaintiff)	
v.)	Civil Action No.
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Defendant)	

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) MEDICREDIT CORPORATION
190 Carondelet Plaza, Suite 150
St. Louis, Missouri 63105

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mark D. Molner, Esq. (Missouri Bar Number 62189)
PRICE LAW GROUP, APC
2210 W. 75th Street
Prairie Village, KS 66208
Toll Free: (800) 884-6000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk